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March 12, 2021

By ECF
Honorable George B. Daniels
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Sean Brady v. New York City Department of Education, et al.*
20 Civ. 10078 (GBD)
Our No. 2021-000003

Dear Judge Daniels:

I am an Assistant Corporation Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, attorney for defendants, New York City Department of Education (“DOE”), Jeremy Daniel and Thomas Wierzbowski (together, “defendants”), in the above-referenced action. I write to respectfully request an extension of time to respond to the Complaint to April 22, 2021 and to seek an adjournment of the initial conference currently scheduled for April 1, 2021, to a date and time convenient for the Court after the 22nd. This is the DOE’s second request for an extension and Daniel and Wierzbowski’s first. Plaintiff consents to this request.

Defendants are seeking the extension of time so that our office may determine if other individually named defendants have been properly served, and, if they have, determine representation, and then to submit one response to the Complaint for all of the served defendants at the same time. The parties are also engaging in preliminary settlement discussions. The DOE’s response to the Complaint is presently due on March 22, 2021. Defendants Daniel and Wierzbowski were served on February 22 and 26, 2021, and, accordingly their responses are presently due on March 15, and 19. Upon information and belief, summonses and complaints for defendants Dones and Rivera, who are current DOE employees, were delivered to a school where they no longer work. The DOE is reaching out to them to see if they will consent to

SO ORDERED
The initial conference is adjourned from April 1, 2021 to May 27, 2021 at 9:30 a.m.
MAR 15 2021 *George B. Daniel*
HON. GEORGE B. DANIELS

service or to otherwise determine how service may be made. Our office will then need to make a representation determination. In addition, earlier today plaintiff's counsel informed me that he believes defendant Tossman, who is a former DOE employee and who does not live in New York, has been served. Our office is reaching out to Tossman as it is our understanding that he has never received a summons in this case. If defendant Tossman has been properly served, our office will then need to also make a representation determination. If our office determines that it will also represent Tossman, Dones and Rivera, the extension of time will permit us to submit one response to the Complaint on behalf of all served defendants.¹

Thank you for your consideration of this request.

Respectfully Submitted,

s/ *Aliza J. Balog*

Aliza J. Balog
Assistant Corporation Counsel

cc: Counsel of Record (By ECF)

¹ To the extent that the Court determines that Tossman, Dones and Rivera have been served, without appearing on their behalf as they are not yet represented by the Office of the Corporation Counsel, our office respectfully requests that the Court *sua sponte* extend their time to respond to the Complaint to April 22, 2021.